

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KATRINA LYNN EVERHART,

Defendant.

CR 15-42-M-DLC-2

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 10, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

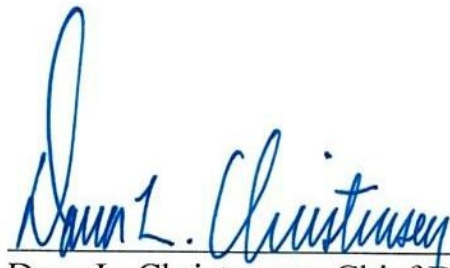
Judge Lynch recommended this Court accept Katrina Lynn Everhart’s guilty plea after Everhart appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of possession of conspiring

to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) and 846, as set forth in the Superseding Information. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I and III against Defendant in the Superseding Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 74), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Katrina Lynn Everhart's motion to change plea (Doc. 59) is GRANTED and Katrina Lynn Everhart is adjudged guilty as charged in the Superseding Information.

DATED this 24th day of May, 2016.



Dana L. Christensen, Chief District Judge
United States District Court